

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 07-781V

Filed: October 24, 2008

NOT TO BE PUBLISHED

MYRA TACKETT

Petitioner,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

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Attorneys' Fees and Costs

DECISION¹

The parties filed a Stipulation of Fact Concerning Attorneys' Fees and Costs (hereinafter Stip. Fees) on October 24, 2008. Stip. Fees, filed October 24, 2008. Petitioner submitted a draft final Application for Attorney's Fees and Costs to respondent on or about October 14, 2008. Id. After informal discussions, respondent raised certain objections and petitioner amended petitioner's request for reimbursement for attorneys' fees and costs to \$19, 910.35. Id. Pursuant to General Order # 9 petitioner advanced \$429.25 in reimbursable costs, in addition to the requested attorneys' fees and costs in the amount of \$19, 910.35, for a total amount of \$20,339.60.

After reviewing the request, the court finds that an award in the amount of \$19, 910.35 in attorneys' fees and costs for petitioner's counsel to be reasonable. Additionally, petitioner is awarded petitioner's cost in the amount of \$429.25. The court thanks the parties for their cooperative efforts in resolving this matter.

¹The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

Accordingly, pursuant to Vaccine Rule 13, petitioner is hereby awarded a **total of \$20, 339.60 in attorneys' fees and costs.** Fees and costs in the amount of \$19,910.35 are to be paid jointly to petitioner and petitioner's counsel.² Petitioner's cost in the amount of \$429.25 are to be paid directly to petitioner. In the absence of a motion for review filed pursuant to RCFC, Appendix B, the Clerk is directed to enter judgment according to this decision.³

IT IS SO ORDERED.

s/ Gary J. Golkiewicz
Gary J. Golkiewicz
Chief Special Master

²This amount is intended to cover all legal expenses. This award encompasses all charges by the attorney against a client, "advanced costs" as well as fees for legal services rendered. Furthermore, 42 U.S.C.A. §300aa-15(e)(3) prevents an attorney from charging or collecting fees (including costs) which would be in addition to the amount awarded herein. See generally, Beck v. Secretary of HHS, 924 F.2d 1029 (Fed. Cir. 1991).

³Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.